

REMARKS

Further to the Amendment filed on October 5, 2009, Applicants are filing this Supplemental Response. Applicants respectfully request that the Examiner consider the remarks given in both the Amendment filed on October 5, 2009 and this Supplemental Response.

On page 7 of the Amendment filed on October 5, 2009, Applicants asserted that one of ordinary skill in the art would not arrive at the present invention because excessive experimentation would be needed to confirm an unpredictable result. As further evidence of these assertions, enclosed herewith is a 37 CFR § 1.132 Declaration of Tomohiro Nishio, one of the present inventors. The Examiner is respectfully requested to review the enclosed Declaration of Tomohiro Nishio as it provides strong evidence of the patentability of the present invention.

CONCLUSION


A full and complete response has been made to all issues as cited in the Office Action. Applicants have taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicants respectfully request that a timely Notice of Allowance issue for the present case clearly indicating that each of claims 2, 6-8, 12-14, and 22-25 are allowed and patentable under the provisions of title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad M. Rink, Reg. No. 58,258 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: October 15, 2009

Respectfully submitted,

By  #43,575

62 Marc S. Weiner
Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicants

Attachments: Declaration under 37 CFR 1.132 for Tomohiro Nishio